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July 5, 2022

VIA ECF

The Honorable Katherine Polk Failla
Thurgood Marshall United States Courthouse
40 Foley Square
New York, NY 10007

Re: *Iowa Pub. Emps. ' Ret. Sys. et al. v. Bank of Am. Corp. et al.*, No. 17-cv-6221 (KPF-SLC)

Dear Judge Failla,

Defendants' extension request—which would transform a 28-day schedule for objections to Magistrate Judge Cave's Report & Recommendation ("R&R") and responses, as prescribed by 28 U.S.C. § 636(b)(1) and Rule 72(b), into a 133-day schedule that also gives Defendants a superfluous reply brief not contemplated by the rules—should be rejected.

Plaintiffs' motion for class certification was filed on February 22, 2021 (*see* ECF No. 411), more than sixteen months ago. Defendants filed a 50-page opposition brief and 772 pages of expert reports as well as a sur-reply of 12 pages accompanied by an additional 132 pages of expert reports. Magistrate Judge Cave then held a full day hearing on April 28, 2022. *See* ECF No. 535. All slides from the parties' presentations from this full day hearing are available on the docket. *See* ECF Nos. 556-1 (Plaintiffs' opening presentation), 557-1 (Defendants' presentation), and 556-2 (Plaintiffs' rebuttal presentation). All of this material, is, of course, available to Your Honor. Defendants do not need 50 days to object and 30 days for a special reply brief to regurgitate arguments that have been fully ventilated already in this litigation.

As a professional courtesy, Plaintiffs' Counsel agreed not to oppose a one-week extension for both the objections and responses, but Plaintiffs' Counsel believes that this briefing could easily be done in the statutorily prescribed 28 days (14 days for objections, and 14 days for responses to objections). Accordingly, Plaintiffs respectfully request that Defendants' motion for more than a 100-day extension to the briefing schedule and a reply that is not contemplated by the rules be rejected. Should the Court grant Defendants any extension, however, Plaintiffs request that the Court allow a commensurate period for responses.

Respectfully submitted,

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